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Matt Carlin
Commissioner

Thomas P. Hopkins
Executive Director

Board Meeting Minutes – February 22, 2016

21st Floor – Inspector General's Conference Room

Present Board Members:

- Diane McLeod, Acting Chair (DM)
- Jeffrey Dougan, Massachusetts Office on Disability Designee (JD)
- Andrew Bedar, Member (AB)
- Jane Hardin, Member (JH)
- Carol Steinberg, Member (CS)

and

- Thomas Hopkins, Executive Director (TH)
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

Members Not Present:

- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- Walter White, Chair (WW)
- George Delegas, Member (GD)

- Meeting began at approximately 9:15 a.m.

1) Discussion: Board Member Roll Call

DM - all but GD, RG and WW present

2) Incoming: Chatham Inn, 359 Main Street, Chatham (V16-026)

- TH - EXHIBIT – variance application and supplemental information
- project is changing of a window to add a door and stairs to outdoor dining patio
- proposing alternate route through removable section of fence
- cost of ramp at the new door \$161,000
- cost to do the work, \$5,000

JD - deny

AB - second – carries unanimously

3) Incoming: Great Pond, Pacella Park Drive, Randolph (V16-024); Hanover at Pine Hills, 40 Pine Hills Drive, Plymouth (V16-031); Hub25, 25-35 Morrissey Blvd., Boston (V16-030); 160 New Apartments, 600 Harrison Ave., Boston (V16-027); Rumney Flats, 83, 93 and 103 Ward St., Revere (V16-025); Berry Farms, Berry St., North Andover (V16-023)

- TH - 43.3.2 and 45.4.5 variances for sinks, with accommodation in leases; Hanover at Pine Hills – 9.5.6 (wall outlets at glass walls) variance additional; 600 Harrison Ave. – 45.10, seeking variance for bottom drawer freezer; can swap out the fridge to compliant one at no cost to tenant as proposed
- EXHIBIT – variance application and supplemental information
- all seeking variances for the sink depths, with the condition that sinks will be in stock and available to be installed upon request at no cost to tenant
- outlet variance seeking variance for the big window walls

CS - grant all sink variance requests, on the condition that 8 compliant sinks are held in stock and installed upon request at no cost to the tenant, with language in the lease

JD - second – carries unanimously

CS - grant the variance for the refrigerator to be available upon request at no cost to the tenant, with language regarding accommodation in the lease

JD - second – carries unanimously

JD - grant variance for lack of wall outlets

CS - second – carries unanimously

4) Incoming: First Church in Wenham, 1 Arbor Street, Wenham (V16-037)

- TH - EXHIBIT- variance application and supplemental information
- building an addition and reconstructing/remodeling existing church; spending over 30%
- seeking 24 variances; suggest a hearing

CS - schedule a hearing

AB - second – carries unanimously

5) Incoming: Commercial Space, 2-14 Belgrade Ave., Roslindale (V16-029)

- TH - EXHIBIT – variance application and supplemental information
- renovation of first floor tenant space
- seeking a variance for the lack of level landing at the door, with automatic door opener

JD - grant as proposed

AB - second – carries unanimously

6) Incoming: New England Rehab Hospital, 800 Cummings Park, Beverly (V16-032)

- TH - EXHIBIT – variance application and supplemental information
- single level suite renovation for rehab for persons with disabilities
 - jurisdiction is work performed (3.3.1b); over \$100,000 but under 30%
 - seeking variances to 44.4.1, 44.4.4 and 44.4.5
 - want to use greater off-set due to need for assistance by staff to help patients to the toilets
 - proposing fold-down grab bars, with a toilet paper dispenser integrated with the fold-down grab

JH - grant as proposed

JD - second – carries unanimously

7) Incoming: Peggy O’Neils (aka Blend), 1310-1314 Dorchester Ave., Dorchester (V16-033)

- TH - EXHIBIT – variance application and supplemental information
- renovation of first floor, \$90,000 project
 - no partial application done (apartments above)

JD - continue and require the following be submitted: no permits can be issued until spending finalized and variances clarified, meeting with TH, and partial application analysis, submit modified variance application

AB - second – carries unanimously

8) Incoming: Quicks Hole Tavern, 29 Railroad Avenue, Woods Hole (V16-034)

- TH - EXHIBIT – variance application and supplemental information
- four-story building (including basement)
 - building is currently served by an elevator between the first and second floor (existing restaurant)
 - they want to expand to the third floor (currently an apartment), but cost to expand elevator would be \$128,000
 - no roof deck
 - same menu at third floor

CS - grant as proposed, on the condition that no private parties/functions and same menu at all floors

AB - second – carries unanimously

9) Incoming: Mixed Use Building, 201 Newbury Street, Boston (V16-035)

- TH - EXHIBIT- variance application and supplemental information
- no cd, no service notice, cannot proceed

JD - continue matter until required materials are submitted

AB - second – carries unanimously

10) Incoming: Aquitaine Restaurant, 569 Tremont St., Boston (V16-038)

- TH - EXHIBIT – variance application and supplemental information
- renovation of existing first floor restaurant space

- over 30%
- seeking four variances
- building is one the sidewalk, and first floor set above the sidewalk
- proposing a portable ramp, which will be kept at the hostess stands

CS - *grant the variance for the lack of accessible entrance, on the condition portable ramp is always available; always staff available that knows how to set it up; information on the phone and website about access policy; signage and buzzer at the sidewalk level*

AB - *second – carries unanimously*

TH - next variance for sloped level landing at the front door

JD - *grant on the condition there is an automatic door opener*

CS - *second – carries unanimously*

TH - 20.11.1, accessible means of egress

JD - *grant on the condition that there is a policy*
 - *withdrawn*

JD - *grant on the condition that they submit a plan for evacuation for persons with disabilities within 30 days receipt of the decision*

JH - *second – carries unanimously*

TH - another variance for overall size of the toilet room

JD - *grant as proposed for the toilet room dimensions*

AB - *second – carries unanimously*

11) Incoming: Loring Arena, 165 Fountain Street, Framingham (V16-018)

TH - EXHIBIT – variance application and supplemental information
 - seeking variances, and commission supports the variances requested (3 total)

JD - *grant variance request number 1, lack of access to penalty, scorer and player boxes*

AB - *second – carries with CS opposed*

JD - *grant accessible route variance*

CS - *second – carries unanimously*

JD - *grant lack of vertical access*

CS - *second – carries unanimously*

12) Incoming: Offices and Laboratories, 40 Erie Street, Cambridge (V16-011)

TH - EXHIBIT – variance application and supplemental information
 - three-story building of offices and labs
 - reconstruction project, spending over 30%
 - seeking variance for vertical access for 1300 square foot penthouse
 - commission opposes variance

- JD* - continue to have the Petitioners submit more information about proposed tenant and the use of the penthouse, with affidavit to be submitted if employee-only space
- JD* - withdrawn
- grant on the condition that an affidavit be submitted and recorded regarding the use of the penthouse; submitted within 60 days receipt of the decision of the board; variance is for this use only
- AB* - second – carries with CS opposed

13) Incoming: Ames Hotel, 1 Court St., Boston (V16-028)

- TH* - EXHIBIT – variance application and supplemental information
- building was gut renovated in 2005
 - new project for the lobby area
 - proposing to reconfigure the accessible route that is provided
 - want to create a coffee shop and grab and go area; but requires that people that want to access the hotel will have to go through that area

- CS* - deny
- JD* - second – carries unanimously

14) Incoming: Curb Cuts and Sidewalks, 745 Atlantic Avenue, Boston (V16-022)

- TH* - EXHIBIT – variance application and supplemental information
- seeking variance for cross slopes of sidewalk
 - slope is just over 2%

- JD* - grant as proposed
- AB* - second – carries unanimously

- TH* - curb cut slope at the corner of Beech and South Street

- CS* - continue for more information about the curb cut slope
- AB* - second – carries unanimously

15) Discussion: Wellesley College Status Report

- TH* - EXHIBIT - dated December 28, 2015, status report submittal from Amy Prange
- report on Schneider Center and Billings Hall (V14-141); Keohane Sports Center (V14-140); and Pendleton Hall (V15-129)

- AB* - accept status report
- CS* - second – carries unanimously

16) Advisory Opinion: Group 1 Kitchens and Bathrooms (521 CMR 42 and 43)

- TH* - EXHIBIT - question submitted by Theresa D’Andrea of Steve Winter Associates, Inc., submitted via e-mail February 11, 2016
- issue is fixture location
 - and question of measurement

- CS* - motion that the measurement shall be from the water closet to the wall, and not to the tub

AB - second – carries unanimously

TH - group 1 kitchen pertains to removal of kitchen cabinets
- question of flooring under the cabinets

JD - acknowledge that the code is silent, the Board interprets that flooring should be continued under the removable cabinets

CS - second – carries unanimously

17) Advisory Opinion: Wood Carpet; Bonded Wood Fiber System

TH - EXHIBIT - submittal from Chris Horiuchi, Horiuchi Solien, Inc. – e-mail on February 19, 2016
- no way to determine the accessible route, since it is with the other wood fiber system

JD - monthly maintenance for overall; and weekly cleaning of the surface

JD - continue and put in packet for next meeting

CS - second – carries unanimously

18) Hearing: Cinderella's Restaurant, 901 Main Street, Cambridge (V15-298)

DM - called to order at 11:00 a.m.
- introduce the Board

Larry Brahman – Cambridge ISD (LB)

Michael Muehe – Cambridge Commission on Disabilities (MM)

Dave Wells, Cinderella's Manager (DW)

Antonio Barros, Cinderella's Restaurant Owner (AB)

DM - all sworn in
- EXHIBIT 1 – AAB1-64

DW - originally did the project and were not supposed to go over \$100,000
- project was completed
- asked landlord if they could build a ramp at the rear driveway, and was not allowed to build on back driveway property
- cannot afford to build the ramp through the middle of the building, would lose too much seating

DM - exceeded \$100,000, as noted in the affidavit

DW - it was an error submitting the affidavit, it included costs that did not to be included in the final costs
- did not take out costs for furniture, TVs, coolers, etc.

LB - regarding what is included and not included in the costs
- any construction items that are removable (furniture, beer system and ice chest) could be deductible
- but sound system, lighting would be included in analysis

TH - also would include any kitchen equipment
- LB submitted partial analysis for part of tenant space
- that work triggered full compliance for the space and for the building owner
- subpoena issued for the owner of the building and he is not present

- DW - yes, we contacted him as well and he said “good luck”
- MM - very attractive restaurant for anyone in the area, good Italian food at a reasonable price
 - commission has been advocating for the restaurant to be accessible for many years
 - met with them in 2012
 - argument that the only way to access the restaurant is via a ramp; there is also a possibility to install a lift to the business
 - many similar sized restaurants in Cambridge and Boston provide access
 - City does have storefront improvement project that provides up to \$25,000 for access upgrades for local businesses; new fiscal year is when the money will be available
 - substantial benefit to have access to this restaurant, and not a large cost, and no plans for lift or alternate access
 - this is the time to make the building accessible, and the substantial amount of money recently spent on the property
 - respectfully request that the Board sustain the denial of the variance, and require access to the restaurant
- AB - have an issue with the owner of the building; have to have him approve the installation of the access
 - agree with MM in that more access includes more patrons
 - just need time to comply, due to current project leaving some debts
- DM - gave them time when temporary certificate of occupancy was allowed by the Board
 - no basis for variance request based on the presentation by the petitioners (not proven excessive cost without substantial benefit to persons with disabilities, and not proven technologically infeasible)
- CS - no plans showing the inside of the building, so not sure of what is accessible in the building and the layout of the interior of the building
- AB - no accessible bathrooms
- JH - how competitive is the storefront reimbursement project funds?
- MM - first come first serve basis
 - fiscal budget has not yet been approved by City Council, assumes that it will be \$150,000 as in past years
 - very popular project in the City
 - anticipate getting funding
 - if they submit the application accordingly and on time, than they can substantiate the estimated accessibility costs; first come first serve basis for these funds
- JH - if not enough funded or money runs out, would that business be next in line
- MM - yes
- JH - what about lack of appearance by the owner of the building
- DM - that is something that the Board’s general counsel will have to pursue
- AB - design of lift?
- MM - understand that design for lift in 2012 was within the footprint of the restaurant
 - so would not require any approval for exterior space from the building owner
- CS - what else is in the building?
- DW - a dumpling house on the right and an ice cream shop on the left (neither are accessible)

JD - original cost of construction was \$150,000 (well over 30% of the value of the space); and then reduced the spending to under \$100,000 (and under 30% (28%))

DW - lift plans would have to look at them, because they did have to add structural support within the restaurant space

CS - *uphold the denial and have the plans for access submitted to the Board by April 1, 2016*

JD - *second – with the understanding that the certificate of occupancy may be rescinded if the required plans are not received by the Board by the stated time*

TH - would like to see plans for the lift and the public and common use spaces from the owner

- *motion carries unanimously*

CS - *submit the lack of appearance by the building owner, and not appearing with subpoena, to DPS*

Legal

JD - *second – carries unanimously*

JD - *require that plans for compliance for accessibility at public use and common use spaces, be submitted by the owner, or the certificate of occupancy for the remainder of the building will be rescinded; shall be submitted by April 1, 2016.*

CS - *second – carries unanimously*

CS - *expedite the decision*

JD - *second – carries unanimously*

Break for lunch

19) Hearing: Greater Framingham Community Church, 44 Franklin St., Framingham (V15-284)

DM - called to order at 1 p.m.

- introduce the Board

Rev. Dr. J. Anthony Lloyd, Church Representative (AL)

George O'Neill, Gorman Richardson Lewis Architects (GO)

Russell Hill, Church Representative (RH)

DM - all sworn in

- EXHIBIT 1 – AAB1-37

TH - AAB6, originally reviewed on November 30, 2015 and granted some variance requests at that time and denied two, and continued the rest

- items in question are 14.6, access to the pulpit; 30.1, basement toilet rooms; and baptismal process

(lack of access to baptismal pool)

- February 16, 2016, submittal from Gorman Richardson Lewis Architects

- bathroom is being made accessible

AL - yes, work to make the bathrooms accessible is 95% complete

DM - accept February 16, 2016 submittal as EXHIBIT 2

- GO - Exhibit 2, addresses the two items that they are asking relief for
- variance for the lack of access to the raised pulpit
 - variance for the lack of access to the baptismal pool
 - variance for 14.6, lack of access to the raised pulpit
 - have included photos of the raised pulpit
 - 40 inch high raised area at the front of the church
 - lecterns and band equipment, and areas for the choir
 - immediately in front of the pulpit is a large open area, with a movable pulpit for reading lecterns
 - did receive two letters from two deacons within the church in support of the variance application
 - both letters address how they currently participate in services without going up to the raised pulpit
 - choir members sometimes gather in the front
 - did look into a portable lift, cost of \$25,000
 - requiring access to the higher level would be an excessive cost without substantial benefit to persons with disabilities
- CS - looked into a lift, \$25,000
- what is the cost of the project?
- GO - a little over \$800,000; included installation of a three-stop elevator; improvements to exterior ramp and toilet rooms; building envelope project; auto-openers at some doors with noncompliant push and pull side clearances
- cost of lift is on page 2 of Exhibit 2
- CS - did you look into building a ramp?
- understand large change in level
 - storage area in the back?
- GO - storage area in the back is accessed from the exterior and is an unheated space, and is not at the same level as the main level
- CS - do you have any events besides church in that area?
- any community events?
- AL - no access from the back storage area into the building, there is only one door into the space from the exterior
- it's an adjacent building attached to the building and up stairs
 - it is a storage bin that has been attached to the building, but is only accessed from the exterior
- GO - there are large ducts that travel through the space to the kitchen area at the basement level
- technologically infeasible to access the pulpit from that storage area
- CS - the lectern at the floor level is not adjustable
- AL - lectern is at the floor level and all participants come up to lectern
- microphone is adjustable, but the lectern is not
- CS - where does the choir perform?
- AL - they sing from behind the pastor's chair
- in bigger services, such as Easter, choir is separated at the pulpit and in seating or standing in front of the pulpit
- JH - work being done, directly impacts access into the building?
- AL - yes
- anyone in the choir currently using a wheelchair?

- AL - not yet, but do have policy
- JH - bathrooms?
AL - main level bathrooms and mezzanine level bathrooms are completed; and basement level bathrooms are in the process of being renovated; all bathrooms will be accessible
- AB - what is the pulpit used for?
AL - I preach from the pulpit
- guest speakers can use the main floor lectern
- JD - is the installation of a lift more about the cost or the practicality of putting it in?
- there is place where the lift can be installed?
- GO - drummer and organist are on the pulpit, not a lot of extra space up there
- cannot spare any chairs, in terms of capacity, need all of the chairs currently provided
- the ramp would reduce the seating too much
- accommodation policy is in place and generally used
- DM - how long is the pulpit?
GO - approximately 35-40 feet
- what about a gradual ramp in front of the pulpit?
GO - a 5-foot ramp with a railing and guard is a visual obstruction, and would have to verify the length and the turning radius' needed
- circulation of people for communion would be obstructed by an additional reduction at the front of the pulpit
- all communion is at the main floor level at the front of the church, need that amount of space for the circulation within the church
- CS - significant to be up on a stage/pulpit
- would like to see access to the stage being provided
- AL - dance ministry uses the entire front of the church for the entire length of the front of the church
- every week, people come forward to pray (kneel, stand and pray), first Sundays are communion Sundays and much busier
- JH - how many chairs are set up for a typical Sunday Service?
AL - 620 chairs, including chairs at the pulpit
- this space at the front of the pulpit is incorporated into the services
DM - it would be 48", but could grant 36"
- RH - letter submitted from Carol LaBonte, member of the church
- member of the choir and bible school teacher as well
- some of the choir can sing from floor level
- speakers participate from main floor level
- JD - depth of the pulpit area?
- length is 40?
GO - Yes, it is 40 feet
- AB - everything that is significant is mainly done in front of the pulpit

- CS - can readers go up to the pulpit?
AL - no all readers are at the main floor
- JD - depth of pulpit?
GO - 16-18 feet
- JD - lift is an option, and it will be \$25,000
- would time help; like a two year time variance to purchase and install?
- DM - need more detailed information regarding plans and costs
- CS - how much time would you need to submit plans and costs?
GO - April 1, 2016 is a reasonable amount of time
- GO - original submission from October 2015
- in September of 2015 was called by Mark Dempsey, former compliance officer for the Board
- when Mr. Dempsey walked through the church in his new capacity in the Framingham Building Department, it was a “blind-side” to the church that more work was required since the majority of the project was for accessibility
- the funds for the project have been expended and this matter of full compliance is late in the day
- since the original decision, have done the majority of the other work
- these two items are the last areas of noncompliance
- been doing a tremendous amount of due diligence in regards to accessibility
- so at this time, the hardship is the funds
- TH - 30% was triggered in 1999
- retriggered the 30% rule with the current elevator project
- exempt work?
GO - exempted work was part of the project
- was advised by the Framingham Plans Examiner that certain work could be exempted
- CS - *continue to have the Petitioners submit plans and costs for ramp access to the pulpit by April 1, 2016*
- JD - *second – carries with JH abstaining*
- DM - variance for the baptismal pool access
- GO - requiring access into the baptismal pool, would be both technologically infeasible and an excessive cost without substantial benefit to persons with disabilities
- baptismal pool is a raised pool
- rim of the pool is about 40 inches high
- would have to lift of person up and over the baptismal pool rim
- unsure of a device that could do that
- full immersion baptismal is not a requirement
- alternatives are sprinkling over the head or lake baptismal
- letter from AL note that baptismals are held within a local lake
- AB - alternative way for baptismal?
- why need the pool?
AL - use all three methods

DM - who makes the choice for baptismal?
AL – the individual

CS - grant on the basis of technological infeasibility, on the condition that a written policy submitted by April 1, 2016

JH - second – carries with JD opposed

Brief Break

**DM left for the day – JD as acting chair
George Delegas, Member – Now Present (GD)**

20) Hearing: The Wellmet Project, 40 Everett Street, Medford (V15-317)

JD - called to order at 2:15 p.m.
- introduce the Board

Brian Anderson, Anderson Porter Design (BA)
Chuck Zymuris, Wellmet Project Director (CZ)

JD - all sworn in
- EXHIBIT 1 – AAB1-36

BA - applied for three variances
- first variance is for the lack of vertical access within the building
- purchased the home, as-is, to use it for the mentally disabled to transition back into functioning on their own
- there are no substantial congregant activities at the second or third floors
- all activities are available at the first floor
- bedrooms, kitchen, bathrooms and congregant living space at the first floor, which is accessible
- commission originally opposed to some of the variances requested, but have met with them as a group and they support the variances requested
- the “library” space (AAB35 and AAB33) was just a placeholder
- not part of the programmatic space
- the room is just access to the bedroom at the end of that hallways
- deck will not be used by occupants of the house

CS - concern with the promise of no use of the third floor deck; hard to believe it will not be used in nice weather
- living room at each floor

CZ - first floor living room is the largest

BA - AAB32, plan of first floor living room

CZ - when we bought the house, the deck was a safety issue, not a feature that was sought out

CS - what is the population?
CZ – adults with psychiatric issues

CS - are you willing to close it completely?

CZ - not completely opposed to it, could have staff person go out with a resident, but okay with closing off the deck

CS - is there outdoor space at the lower level?

CZ - there is a small back yard, but mainly taken up by the ramp at the rear

CZ - these are graduate residents, people who have demonstrated that they can self-administer their medications on their own

- certain set of rules in place, but more freedoms than the other Wellmet houses

- this house would allow residents to have evening jobs, whereas only daytime jobs are allowed at the other homes

AB - emergency egress issue?

CZ - people can self-preserve

AB - locking the deck?

CZ - can lock the door and it will not be used

GD - access into the building?

AB - Everett Street is on the right side of the page on AAB32

- driveway at the side, with a back yard behind the building with a ramp

- ramp is at the left side of the building

GD - will there be cars in the driveway?

CZ - yes

GD - any thoughts to put in a lift instead of a ramp?

BA - no

CZ - agency budget is \$650,000 per year, and that is for all the residents and for the services provided

- house was built with all of savings, limited amount of funds available for any other work

CS - continue the discussion to see what space is available at the first floor, and have plans and costs submitted by April 1, 2016

BA - AAB23 is a photo of the backyard

CS - withdraw motion

- grant the lack of access to the upper floors (third floor deck), on the condition that a first floor exterior patio is created, that is accessible from the first floor, and allow the third floor deck to be used, on the condition that the third floor deck is not used for any functions

GD - second – carries unanimously

BA - front entrance variance

- stone steps, patio and concrete walk

- providing an accessible rear entrance

- seeking a variance for the lack of access at the Everett Street

GD - grant as proposed

JH - second – carries unanimously

BA - existing stairs within the building
- not doing any work on the existing stairs system, except for the stair from the second floor to the third floor, which is being finished and will comply in full with requirements of 521 CMR
- stairs from first to second floor do not comply
- also front stairs to main entrance

JD - stairs at the rear of the building will comply, and the stairs from the second floor to the third floor will comply
- all other stairs will not comply

AB - *grant as proposed*

JH - *second – carries unanimously*

CS - *submit affidavit that the spaces on the upper floors (second and third, including third floor deck) will not be used for any functions or social gatherings, with said affidavit to be submitted to the Board by April 1, 2016*

AB - *second – carries unanimously*

JH left for the day – no more quorum

21) Hearing: Mixed Use Building, 171 Newbury Street, Boston (V15-332)

JD - called to order at 3 p.m.
- inform that unexpected loss of quorum, can provide testimony but cannot render a vote at this time
- can proceed or reschedule
- no objection from Petitioners to proceed
- introduce the Board

Max French, Code Consultant (MF)

Don Havener, Code Consultant (DH)

Stephen Miller, Attorney for the owner (SM)

Conrad Ello, Architect (CE)

General Counsel for the building owner present

JD - all but SM and General Counsel sworn in
- EXHIBIT 1 – AAB1-60

DH - purchased the property and one existing lease within the building (retail shoe store – Clark's)
- intent is to renovate the building for professional office space; generally not seeing the public at large
- based on the existing conditions within the buildings, no accessible routes within the building
- ground floor retail space entrance is accessible and a noncompliant elevator within the building
- new cab within the existing shaft is technologically infeasible to make a larger cab
- expanding the elevator shaft is also infeasible due to relationship with existing stairway and the need to move into Clark's tenant space
- looked into providing a lift on Newbury Street, but not feasible due to lot lines and requirements of

BBAC

- rear lift would require modifications to the existing first floor tenant which is a legal matter for the existing tenant
- the existing elevator will remain in use, but is not fully compliant
- as part of the renovation, are proposing to make the new spaces accessible wherever feasible

- existing doorways will be reworked/replaced to provide a minimum of 32" clearance and minimum of push pull clearances are provided

- all toilets will be made accessible at all floor levels

CE - existing elevator serves all floors going forward

- clear cab width is 2' 5 1/4" by 4'

existing accessible toilet rooms within Clark's, and would require cutting through the floor

- can put the lift into the building at some point, but it would be a challenge with the current lease

JD - Clark's is at the street level

CE - Clark's is accessible at the street level

- the lower level is 3' below the rear elevation

SM - first floor is Clark's and stairs down to retail that was done in the 1970's

- building covers the entire lot line, so no room for ramp

- would like to submit lease documents

- do not have a right to disturb the tenant currently, until 2023 when the lease expires

GD - but that would only give access to the lower level

DH - basement level would be retail and public space

- upper floors will be offices

JD - accept the lease document as EXHIBIT 2

SM - would end up taking 67 square feet of the tenant space to put in the lift

JD - feasible or not that the upper floors are not open to the public

CE - who is considered private?

JD - it would be an office that does not see members of the public in their office

CS - AAB51, two unisex accessible bathrooms? In Clark's?

CE - yes, at the rear of Clark's at the Newbury Street level.

CE - lift at the rear would be a disruption to Clark's

CS - elevator door opening

CE - 30" clear width at the door

- clear cab width is 2' 5 1/4" by 4' 1"

DH - AAB59, shows upper floors and current configuration of elevator cab

SM - if lawyer's office on upper floors, can notify clients of the lack of full access

JD - elevator accesses all floors?

CE - yes

DH - stairs are all existing and constraints on the stairs are tight

- inability to modify treads risers and handrails

- CE - plans (Elevator Lift Study) with two interior photos
 JD - accept submittal as EXHIBIT 3, to be submitted electronically
- JD - Plot plan with two additional pictures, accept as EXHIBIT 4, to be submitted electronically
 - Overall Floor Plans, Accept as EXHIBIT 5, to be submitted electronically
 - building sections and elevations, accept as EXHIBIT 6, to be submitted electronically
- CE - stairs area also winders
 - risers vary in height 7 1/4" to 7 3/4", treads are 11.5" to 12", minus the winders
 - nosing do project out, that project with a bull nose edge of approximately an inch
 - stair handrails at interior are existing, can add compliant wall mounted handrails
- DH - interior handrail is low and unsure exact dimensions
- GD - approximate width of stairs?
 DH - 36"
- DH - due to constraints within the building, recognize difficulty with reorganizing the stairs
- JD - typically would like submittal of the actual dimensions of the stairs
- GD - yes, need the dimension of the nosings, profile of the existing handrail, and measurements for the handrails (height, overall diameter)
- CS - question, based on the lease
 - Clark's has a mezzanine
- DH - mezzanine is employee only and used for storage only
- CS - landlord has the right to enter and do repairs
 SM - pg 22 of the lease
 - yes page 21 and 22 of the lease
- SM - it is not part of common facilities, this is the actual tenant space
- Christopher Agostino, General Counsel for the building owner (CA)
- CA - lease space is for the tenant, lift would be a tenant reduction, as was originally demised
 - if any way to deferred compliance, could agree to that, would install access at the end of the lease or if the tenant leaves the space, prior to a new tenant
- DH - may not be able to reduce the number of toilets
 CE - would still have the required number of toilets
 SM - cannot reduce the tenant space
- CE - will submit digital exhibits and more information regarding the stairs
- CS - have you asked Clark's if they want to do this?
 SM - they are not interested in changing the space for the new owners

- KS - provide more information by March 2, 2016 at the latest for the Board to review as part of their decision to potentially be rendered on March 7, 2016
- CS - no ground floor conference space available?
SM - no, two retail tenant spaces at the first floor and basement level
- CE - will maintain the existing elevators, and could install the lift as deferred compliance at the end of lease or upon the termination of the existing lease
- will submit additional information regarding any needed modifications to the stairs (i.e. nosing inserts and compliant stair handrails)

- End of Meeting -

Matters not reasonably anticipated 48 hours in advance of meeting

- Wood Carpet; Bonded Wood Fiber System - submittal from Chris Horiuchi, Horiuchi Solien, Inc. – e-mail on February 19, 2016

EXHIBITS:

- Chatham Inn, 359 Main Street, Chatham (V16-026) - variance application and supplemental information
- Great Pond, Pacella Park Drive, Randolph (V16-024); Hanover at Pine Hills, 40 Pine Hills Drive, Plymouth (V16-031); Hub25, 25-35 Morrissey Blvd., Boston (V16-030); 160 New Apartments, 600 Harrison Ave., Boston (V16-027); Rumney Flats, 83, 93 and 103 Ward St., Revere (V16-025); Berry Farms, Berry St., North Andover (V16-023) - variance application and supplemental information
- First Church in Wenham, 1 Arbor Street, Wenham (V16-037) - variance application and supplemental information
- Commercial Space, 2-14 Belgrade Ave., Roslindale (V16-029) - variance application and supplemental information
- New England Rehab Hospital, 800 Cummings Park, Beverly (V16-032) - variance application and supplemental information
- Peggy O'Neils (aka Blend), 1310-1314 Dorchester Ave., Dorchester (V16-033) - variance application and supplemental information
- Quicks Hole Tavern, 29 Railroad Avenue, Woods Hole (V16-034) - variance application and supplemental information
- Mixed Use Building, 201 Newbury Street, Boston (V16-035) - variance application and supplemental information
- Acquitaine Restaurant, 569 Tremont St., Boston (V16-038) - variance application and supplemental information
- Loring Arena, 165 Fountain Street, Framingham (V16-018) - variance application and supplemental information
- Offices and Laboratories, 40 Erie Street, Cambridge (V16-011) - variance application and supplemental information
- Ames Hotel, 1 Court St., Boston (V16-028) - variance application and supplemental information
- Curb Cuts and Sidewalks, 745 Atlantic Avenue, Boston (V16-022) - variance application and supplemental information
- Wellesley Status Report - dated December 28, 2015, status report submittal from Amy Prange
- Group 1 Kitchens and Bathrooms (521 CMR 42 and 43) - question submitted by Theresa D'Andrea of Steve Winter Associates, Inc., submitted via e-mail February 11, 2016